

Appendix C
Notice for the Public Scoping Meeting and
Summary of Comments Received

should register online at <http://www.biosecurityboard.gov/meetings.asp> or by calling The Hill Group (Contact: Jenny Chun) at 301-897-2789, ext. 115. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should indicate these requirements upon registration.

Name of Committee: National Science Advisory Board for Biosecurity.

Date: March 30, 2006.

Time: 8 a.m. to 6:15 p.m.

Agenda: Presentations and discussions regarding: (1) Criteria for identifying dual use research; (2) a code of conduct for the life sciences; (3) principles and tools for the responsible communication of dual use research; (4) international perspectives on dual use research; (5) synthetic genomics; (6) public comments; and (7) other business of the Board.

Place: The National Institutes of Health, Building 31, 6C-Room 10, Bethesda, Maryland.

Contact Person: Allison Chamberlain, NSABB Program Assistant, 6705 Rockledge Drive, Bethesda, MD 20892, (301) 402-3090.

This meeting will also be Webcast. The draft meeting agenda and other information about NSABB, including information about access to the Webcast and pre-registration, will be available at <http://www.biosecurityboard.gov/meetings.asp>.

Any member of the public interested in presenting oral comments at the meeting may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of an organization may submit a letter of intent, a brief description of the organization represented and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee. All written comments must be received by March 17, 2005 and should be sent via email to nsabb@od.nih.gov with "NSABB Public Comment" as the subject line or by regular mail to 6705 Rockledge Drive, Suite 750, Bethesda, MD 20892. Attention Allison Chamberlain. The statement should include the name, address, telephone number and, when applicable, the business or professional affiliation of the interested person.

Dated: March 1, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06-2215 Filed 3-8-06; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, March 6, 2006, 8:30 a.m. to March 7, 2006, 1 p.m., One Washington Circle, One Washington Circle, NW., Washington, DC, 20037 which was published in the **Federal Register** on February 15, 2006, 71 FR 7985-7987.

The meeting will be held one day only on March 6, 2006, from 8:30 a.m. to 6 p.m. The meeting location remains the same. The meeting is closed to the public.

Dated: February 28, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06-2207 Filed 3-8-06; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, March 7, 2006, 11 a.m. to March 7, 2006, 12 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD, 20892 which was published in the **Federal Register** on February 23, 2006, 71 FR 9363-9367.

The meeting will be held on March 21, 2006, from 4 p.m. to 5 p.m. The meeting location remains the same. The meeting is public.

Dated: February 28, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06-2208 Filed 3-8-06; 8:45am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, March 22, 2006, 3 p.m. to March 22, 2006, 5 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on February 23, 2006, 71 FR 9362-9363.

The starting time of the meeting on March 22, 2006 has been changed to 2 p.m. until adjournment. The meeting date and location remain the same. The meeting is closed to the public.

Dated: March 1, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06-2213 Filed 3-8-06; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG-2004-19621]

Dry Cargo Residue Discharges in the Great Lakes; Preparation of Environmental Impact Statement

AGENCY: Coast Guard, DHS.

ACTION: Notice of intent; notice of availability; request for comments.

SUMMARY: The Coast Guard announces its intent to prepare an environmental impact statement (EIS) in connection with the development of proposed new regulations on the incidental discharge of dry cargo residue in the Great Lakes. Publication of this notice begins a public scoping process that will help determine the scope of issues to be addressed in the EIS and identify the significant environmental issues related to this EIS (40 CFR 1506.6). This notice also solicits public participation in the scoping process, and announces the availability of a study on current dry cargo residue discharge practices in the Great Lakes.

DATES: Comments and related material must reach the Docket Management Facility on or before July 31, 2006.

ADDRESSES: You may submit comments identified by Coast Guard docket number USCG-2004-19621 to the Docket Management Facility at the U.S. Department of Transportation.

Address docket submissions for USCG-2004-19621 to: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590-0001.

The Docket Management Facility accepts hand-delivered submissions, and makes docket contents available for public inspection and copying at this address, in room PL-401, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Facility's telephone is 202-366-9329, its fax is 202-493-2251, and its Web site for electronic submissions or for electronic access to docket contents is <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: If you have questions regarding this notice, contact LCDR Mary Sohlberg, U.S. Coast Guard, fax 202-267-4690 or e-mail msohlberg@comdt.uscg.mil. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-493-0402.

SUPPLEMENTARY INFORMATION:

Request for Comments

We request public comments or other relevant information on environmental issues related to all aspects of incidental dry cargo residue discharges on the Great Lakes. You can submit comments to the Docket Management Facility during the public comment period (see **DATES**). We will consider all comments and material received during the comment period.

Submissions should include:

- Docket number USCG-2004-19621.
- Your name and address.
- Your reasons for making each comment or for bringing information to our attention.

Submit comments or material using only one of the following methods:

- Electronic submission to DMS, <http://dms.dot.gov>.

- Fax, mail, or hand delivery to the Docket Management Facility (see **ADDRESSES**). Faxed or hand delivered submissions must be unbound, no larger than 8½ by 11 inches, and suitable for copying and electronic scanning. If you mail your submission and want to know when it reaches the Facility, include a stamped, self-addressed postcard or envelope.

Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the DMS Web site (<http://dms.dot.gov>), and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read

the Privacy Act notice that is available on the DMS Web site, or the Department of Transportation Privacy Act Statement that appeared in the **Federal Register** on April 11, 2000 (65 FR 19477).

You may view docket submissions at the Docket Management Facility (see **ADDRESSES**), or electronically on the DMS Web site.

Background

The Coast Guard has previously published **Federal Register** documents concerning regulation of incidental dry cargo residue on the Great Lakes: 69 FR 1994 (January 13, 2004), 69 FR 57711 (September 27, 2004), 69 FR 77147 (December 27, 2004; corrected at 70 FR 1400, January 7, 2005).

The historical practice of bulk dry cargo vessels on the Great Lakes is to wash non-hazardous and non-toxic cargo residues ("dry cargo residue" or "cargo sweepings") overboard. These non-hazardous non-toxic discharges eliminate unsafe conditions onboard the vessel, without requiring alternatives that could involve time delays or added cost. Current environmental statutes, if strictly enforced, would prohibit these incidental discharges. However, under an "interim enforcement policy" (IEP) first adopted by the Coast Guard's Ninth District in 1993, incidental discharges of dry cargo residue are permitted in defined portions of the Great Lakes. Congress has authorized continuation of the IEP until September 30, 2008, unless the Coast Guard acts sooner to replace the IEP with new regulations.

Dry cargo residue on the Great Lakes generally includes, but is not limited to, limestone and other clean stone, iron ore such as taconite, coal and salt, and cement. The IEP applies only to such cargo residues, and does not alter the strict prohibition of any discharge of oily waste, untreated sewage, plastics, dunnage, or other things commonly understood to be "garbage," from vessels on the Great Lakes. Nor does the IEP permit the discharge of any substance known to be toxic or hazardous, such as nickel, copper, zinc, or lead. The IEP permits incidental dry cargo residue discharges only in areas that are relatively far from shore, and that meet depth restrictions and other restrictions near special protection areas.

Our December 27, 2004 **Federal Register** document (69 FR 77147; corrected at 70 FR 1400, January 7, 2005) announced that we would conduct a study of current dry cargo residue discharge practices in the Great Lakes, and requested information from the public that could help us conduct that study. The study is now complete

and is available for public review either electronically or at the Docket Management Facility (see **ADDRESSES** and *Request for Comments*).

Proposed Action and Alternatives

The proposed action is to adopt the IEP as the basis for permanent regulations, adding new requirements for standardized record-keeping by vessels that discharge dry cargo residue. The discharges that require logging, the format for log entries, the retention time of the logs, and the physical location of the log would be specified. The alternatives to the proposed action include:

- Allowing the IEP to terminate on September 30, 2008, after which the Coast Guard would enforce all laws applicable to the discharge of dry cargo residues into the Great Lakes. For the purposes of our environmental review this represents the "no-action" alternative;
- Adopting the IEP as the basis for permanent regulations, without significant change;
- Adopting the IEP as the basis for permanent regulations, possibly with significant changes (other than record-keeping) designed to reduce the environmental impact. Possible changes would be specified and could include adoption of best management practices, quantity limits, cargo type limits, or additional restrictions on discharge locations;
- Developing a Coast Guard permit system for vessels discharging incidental dry cargo residue; and
- Regulating shoreside facilities to control or eliminate dry cargo spillage during vessel loading or unloading.

Scoping Process

The scoping process (40 CFR 1501.7) is an early and open process for determining the scope of issues to be addressed in an EIS and for identifying the significant issues related to the proposed action. The scoping process begins with publication of this notice and ends when the Coast Guard has completed the following actions:

- Invites the participation of Federal, State, and local agencies, any affected Indian tribe, the applicant, and other interested persons;
- Determines the actions, alternatives, and impacts described in 40 CFR 1508.25;
- Identifies and eliminates from detailed study those issues that are not significant or that are previously documented and can be incorporated by reference;
- Allocates responsibility for preparing EIS components;

- Indicates any related environmental assessments or environmental impact statements that are not part of the EIS;

- Identifies other relevant environmental review and consultation requirements;

- Indicates the relationship between timing of the environmental review and other aspects of the application process; and

- At its discretion, exercises the options provided in 40 CFR 1501.7(b).

The Coast Guard will publish a **Federal Register** Notice to announce a public meeting and will include the time, location, and venue for the meeting as part of the scoping process under NEPA for this action. The Coast Guard intends to announce these details after gauging the level of public interest in response to the current notice. Once the scoping process is complete, the Coast Guard will prepare a draft EIS, and we will publish a **Federal Register** notice announcing its public availability. If you wish to be mailed or e-mailed the public meeting notice or the draft EIS notice of availability, please contact the person named in **FOR FURTHER INFORMATION CONTACT**. We will provide the public with an opportunity to review and comment on the draft EIS. After the Coast Guard considers those comments, we will prepare the final EIS and similarly announce its availability and issue a Record of Decision 30 days later.

Dated: March 6, 2006.

Howard L. Hime,

Acting Director of Standards, Assistant Commandant for Prevention.

[FR Doc. 06-2258 Filed 3-6-06; 4:25 pm]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG-2006-24105]

Chemical Transportation Advisory Committee

AGENCY: Coast Guard, DHS.

ACTION: Notice of open teleconference meeting.

SUMMARY: This notice announces a teleconference of the Chemical Transportation Advisory Committee (CTAC). The purpose of the teleconference is for CTAC to approve comments to be submitted on the Coast Guard's Notification of Arrival in U.S. Ports and Certain Dangerous Cargo interim rule. Less than 15 days notice of this teleconference is given in order to complete timely input on critical issues

being studied by the Coast Guard before the end of the interim rule's comment period on March 16, 2006.

DATES: The CTAC teleconference will take place on Monday, March 13, 2006, from 10 a.m. to 12 noon, EST. The teleconference may close early if all business is finished. Written material and requests to make oral presentations should reach the Coast Guard on or before March 10, 2006. Requests to have a copy of your material distributed to each member of the Committee should reach the Coast Guard on or before March 10, 2006.

ADDRESSES: Members of the public may participate in this teleconference by dialing 1-202-366-3920, passcode: 5543. Public participation is welcomed; however, the number of teleconference lines is limited and available on a first come, first-served basis. Members of the public may also participate by coming to Room 3319, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001. We request that members of the public who plan to attend this meeting, notify LT Barker or LT Stockwell at 202-267-1217 so proper security arrangements may be made. Send written material and requests to make oral presentations to Commander Robert J. Hennessy, Executive Director of CTAC, Commandant (G-PSO-3), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001 or e-mail: CTAC@comdt.uscg.mil. This notice is available on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Commander Robert J. Hennessy, Executive Director of CTAC, or Ms. Sara Ju, Assistant to the Executive Director, telephone 202-267-1217, fax 202-267-4570.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2. The purpose of the teleconference is for CTAC to approve comments to be submitted on the Coast Guard's Notification of Arrival in U.S. Ports and Certain Dangerous Cargo interim rule (70 FR 74663, December 16, 2005). Less than 15 days notice of this teleconference is given in order to complete timely input on critical issues being studied by the Coast Guard before the end of the interim rule's comment period on March 16, 2006.

Agenda for Teleconference

(1) Introductions and opening remarks.

(2) Discussion and vote on comments drafted by Hazardous Cargo Transportation Security Subcommittee

for submission to the U.S. Coast Guard concerning the Notification of Arrival in U.S. Ports and Certain Dangerous Cargo **Federal Register** document (70 FR 74663, December 16, 2005).

(3) Discussion and vote on Best Practices developed by the Outreach Subcommittee concerning the vapor emissions from chemical barges.

(4) Public comment period.

Procedural

The teleconference is open to the public. Please note that the teleconference may close early if all business is finished. The Chair of CTAC shall conduct the teleconference in a way that will, in their judgment, facilitate the orderly conduct of business. Members of the public will be heard during the public comment period. The Chair will make every effort to hear the views of all interested parties. Written comments must be submitted to the Executive Director (see **ADDRESSES**) on or before March 10, 2006.

The teleconference will be recorded and a summary will be available for public review upon request approximately 30 days following the teleconference meeting.

Dated: March 3, 2006.

Howard L. Hime,

Acting Director of Standards, Assistant Commandant for Prevention.

[FR Doc. 06-2259 Filed 3-6-06; 4:25 pm]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Extension of a Currently Approved Information Collection; Comment Request

ACTION: 30-Day Notice of Information Collection Under Review: Petition for Amerasian, Widow(er), or Special Immigrant, Form I-360.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on December 14, 2005, at 70 FR 74028. The notice allowed for a 60-day public comment period. No comments

			From searching #19621 in http://dms.dot.gov/search/searchResultsSimple.cfm		
Party	Docket info	Category	Date	Summary and Points:	CH Response
1 Barb Sachau	USCG-2004-19621 -1	Comment(s)	12/27/2004	Wants to stop all discharge from ships by discharging everything on shore and charging fee relative to waste toxicity.	The suggested action is addressed by analysis of the No Action Alternative.
2 Canadian Shipowners Association	USCG-2004-19621 -4	Comment(s)	3/23/2005	Recommends that the current United States Coast Guard Enforcement Policy for Cargo Residues on the Great Lakes becomes the regulatory standard as required under the Maritime Transportation Act of 2004.	The suggested action is addressed by analysis of the Proposed Action and the other action alternatives.
3				70 million tons of cargo annually with some 60% of this cargo being carried in the Canada /US trade.	The comment is acknowledged. The representation of annual cargo volumes and distribution was reported in the DEIS based on numerous references (as discussed primarily in Chapter 1). The information in the comment is not inconsistent with the values reported in the references and summarized in the DEIS.
4 Lake Carrier's Association	USCG-2004-19621 -5	Comment(s)	3/25/2005	Strongly recommends U.S. Coast Guard Headquarters adopt regulations to make the current Policy on the Great Lakes permanent.	The comment is acknowledged and the implications are addressed by analysis of the Proposed Action and the other action alternatives.
5				Represents 13 American corporations that operate 55 US.-Flag vessels on the Great Lakes. These vessels can annually transport 125 million net tons of cargo.	The comment is acknowledged. The representation of Great Lakes shipping was reported in the DEIS based on numerous references (as discussed primarily in Chapter 1). The information in the comment is not inconsistent with the values reported in the references and summarized in the DEIS.
6 Shipping Federation of Canada	USCG-2004-19621 -6	Comment(s)	3/28/2007	Strongly encourages Coast Guard to convert Cargo Residue Washdown Policy, as announced in the federal Register at Page 77147 on December 27, 2004, into regulations to comply with the Maritime Transportation Act of 2004.	The comment is acknowledged and the suggestion evaluated in the EIS as part of the Proposed Action and Alternatives (Chapter 2).
7				Foreign ships make about 475 round trips to the Great Lakes and carry approximately 10 million tons of international trade with both US. and Canadian load and discharge ports.	The comment is acknowledged. The representation of Great Lakes shipping was reported in the DEIS based on numerous references (as discussed primarily in Chapter 1). The information in the comment is not inconsistent with the values reported in the references and summarized in the DEIS.
8 U.S. Great Lakes Shipping Association	USCG-2004-19621 -7	Comment(s)	3/28/2007	Requests that the USCG proceed with regulations making the current practice a formal regulatory authority.	The suggested action is addressed by analysis of the Proposed Action and the other action alternatives.
9 American Waterways Operator	USCG-2004-19621 -8	Comment(s)	3/29/2007	Indicates they are available for questions by the CG if need be.	Comment acknowledged
10				The operations of their members have not significantly changed since the 2000 "Study of Dry Cargo Residue in the Great Lakes" was finished.	Comment acknowledged and the reference was used in the preparation of the DEIS.
11 Andrew J. Samocki, law student	USCG-2004-19621 -9	Comment(s)	4/5/2005	With regard to the Proposed Action, the Coast Guard should either initially undergo an EIS instead of an EA or, at the least, prepare an EA that follows the strict requirements of an EIS. Until the EIS is completed, all dry cargo discharges should be suspended with very limited waivers.	Comment is acknowledged and an EIS is being prepared. The Coast Guard is continuing to regulate DCR in conformance with the IEP as authorized by Congress. The practice will continue until a Coast Guard regulation is issued or until the congressional expiration date of the IEP.
12				If the Coast Guard completes its initial EA and if data collected under the Coast Guard's Request for Information is consistent with its 2000 Study, an EIS should be conducted.	Comment is acknowledged and an EIS is being prepared.
13				If the Coast Guard completes its EA and decides that an EIS is not necessary, the IEP should be allowed to expire, thereby disallowing the dumping of dry cargo discharges in the Great Lakes after 2008.	Comment is acknowledged and an EIS is being prepared.
14 Lake Carrier's Association	USCG-2004-19621 -15	Comment(s)	6/28/2006	When reviewing other sources of sediment contamination, LCA expects to see language regarding the contribution of salt and sand used annually for de-icing purposes in all Great Lakes cities. For instance, the City of Cleveland, Ohio, annually deposits 80,000 tons of salt on city streets (not including the suburbs). The City of Duluth, Minnesota, annually uses between 10,000 - 14,000 tons of salt and 15,000 cubic yards (about 20,000 tons) of sand on its streets, all which enter the storm sewer system and are deposited into Lake Superior.	The comment is acknowledged. The existing input to Great Lakes sediments was evaluated both by review of available literature and sampling of sediments. In put from nearshore activities were not evaluated specifically because all alternatives excluded DCR discharge from nearshore areas, thus such areas are not part of the affected environment.
15 Lake Carrier's Association	USCG-2004-19621 -18	Comment(s)	7/27/2006	LCA provides a detailed article about taconite in response to the request for information.	The comment is acknowledged and the provided article reviewed.
16 Neely Bostick, geologist	USCG-2004-19621 -19	Comment(s)	7/27/2006	Provides suggestions regarding scientific Approach for Dry Cargo Sweepings Impact Analysis:	

17					1) Initial small program of piston core and impact core sampling in convenient locations to indicate what sampling technique is best for representative lake sediments and what depths of sampling may be needed. At each site surficial clamshell samples will show the present bottom character.	Numerous sediment sampling techniques were considered and several attempted. Piston coring was not necessary because of the soft sediment. Box coring was ultimately selected and proved successful as described in Appendix G <u>Spring Sampling memo</u> .
18					2) Geophysical tests at sites of known material accumulation, perhaps dockside, to determine whether bottom probes for resistivity, natural potential, magnetic properties, etc. might be used to survey rapidly and inexpensively for such cargos as iron ore, taconite, slag, and millscale.	The suggested methods were considered. However, multibeam side scan sonar with limited video taping was selected and proved successful as described in Appendix J historic deposition.
19					3) A search for localities with no, or minimal, cargo materials should be undertaken using bottom observation and sampling. Background sites are needed for both physical / chemical and biological studies of the impact of cargo material.	This was accomplished as described in Appendix G Spring Sampling and Appendix J historic deposition.
20					4) Cargo-free surficial bottom sediment (and water) could be mixed with known amount (and grain size) of cargo materials of concern in vertical plastic tubing to produce artificial "cores" for testing reliability of different kinds of sampling.	This comment was considered but determined not to be necessary and the sampling method used proved to be reliable.
21					5) Shore sediment sampling for cargo materials that float (metallurgical and petroleum coke, wood pulp, grain "dust", unexpected materials) is suggested, starting at the few locations where such material is most likely.	This comment was considered. However, neither scoping or review of existing literature identified floating DCR as an issue; thus, no shore sampling was conducted.
22					6) The section "Possible Modification of Approach..." contains valuable hints that additional evidence of toxicity or lack of adverse effects may be obtainable. It might be smart for groups of shippers to expedite such studies – for better or worse from their point – to possibly reduce the scope of studies and regulations.	Comment acknowledged.
23					7) The report does not mention likely / possible people and facilities to do any of the sampling and analysis. My experience in a consulting/service company (SRI International) included examples where it was easy to propose and design studies but quite difficult and expensive to find the people and field and laboratory facilities to carry them out.	Comment acknowledged. The Coast Guard considered and used numerous consultants, academics, and federal agency scientists to design and conduct the sampling and analysis.
24					8) The subject report and the several USCG notices of background and requests for comments seem to be striking out fresh rather than building on the information from people involved in the Cargo Sweeping Scientific Steering Committee over a decade ago. See for example their August 1994 "Review of U.S. Coast Guard Interim Enforcement Policy" That expertise from academia, NOAA, National Biological Survey, U.S. Geological Survey (USGS) still exists (or has younger replacements) but is not mentioned in recent reports. In particular the USGS now includes large biological capability in addition to the traditional analyses of industrial minerals, coal, and water and sediment analysis.	The reference report was relied upon heavily and several of the participants (including David Reed, NOAA and Bruce Brownwell SUNY) were contacted and provided input.
25	Lake Carrier's Association	USCG-2004-19621 -20	Comment(s))	7/28/2006	The CG should consider an additional option which is amending the IEP and writing final regulations to allow additional flexibility by reducing recordkeeping requirements and reducing the distance from land limitations for vessels conducting cargo residue discharge operations.	An alternative without record keeping was considered (Chapter 2). However, it did not meet the Purpose and Need; thus, it was not evaluated in detail. Modifying the exclusion zones and allowing discharge near shore was considered in Chapter 2 but determined not to be warranted.
26					Since the "baseline" is a term used to mark the beginning of the territorial sea in an ocean environment, it has no meaning on the GL. Using the international border with Canada as the beginning point to measure distance from land, a vessel can be miles from shore and still not be considered any distance from "nearest land". Had the CG chosen to use the ordinary definition of "distance from land", it could have implemented the distances called for in the Annex when enforcing regulations in inland waters.	As described in Chapter 1, "baseline" is a legal term defined by MARPOL and APPS. Thus from a regulatory perspective all of the Great Lakes are within the baseline and the Coast Guard does not have the option of an alternative definition.
27					In the event that the Scientific Study determines that there are no adverse environmental impacts from dry cargo residue discharge, the CG should <u>reduce the regulatory burden on industry</u> .	Comment acknowledged.
28	Lake Carrier's Association	USCG-2004-19621 -21	Comment(s))	7/28/2006	To assist in assuring the samples are taken along the courses ships navigate, we have attached a copy of the LCA Recommended Courses for each of the Lakes.	Comment acknowledged and the supplied information was used in determining sample locations.

29					L. Erie: Suggest sampling on the tracklines leading from Ashtabula, Conneaut, Fairport Harbor, or Cleveland could be more representative of areas in Lake Erie.	These areas were considered. However, as described in Appendix J Historic Deposition, an approach was developed and followed to identify sampling locations representative of DCR activity.
30					Lake Huron: The alternate tracklines on the northern end of the Lake are representative areas. We could suggest the tracklines from the south end of Lake Huron above Buoys 11 and 12 for upbound vessels would also be representative.	These areas were considered. However, as described in Appendix J Historic Deposition, an approach was developed and followed to identify sampling locations representative of DCR activity.
31					Lake Michigan: The lower end of Lake Michigan that you outline appears satisfactory providing the samples are obtained on the upbound tracklines.	These areas were considered. However, as described in Appendix J Historic deposition, an approach was developed and followed to identify sampling locations representative of DCR activity.
32					Lake Superior: The western end of Lake Superior has two separate tracklines running from Duluth and Superior respectively. Likewise the recommended courses from Two Harbors or Silver Bay would have separate tracklines. The proposed alternate trackline segments on the eastern end of Lake Superior from Sault Ste. Marie past Whitefish Point would be used less than other areas because rinse downs would likely have taken place prior to netting to Lake Superior in most cases.	These areas were considered. However, as described in Appendix J Historic Deposition, an approach was developed and followed to identify sampling locations representative of DCR activity.
33	Lake Ontario Waterkeeper	USCG-2004-19621 -22	Comment(s))	7/31/2006	The conclusions of the 2003 USCG study that proposed regulations would bring the US into compliance with Canadian laws and the GL Water Quality Agreement is incorrect.	Compliance with Canadian laws is discussed in the regulatory framework section of Chapter 1.
34					We recommend that the CG adapt the alternative of allowing the IEP to expire and enforcing all applicable laws on the grounds that:	Comment acknowledged.
35					(1) The proposed regulation does not satisfy the obligations of the US under the Great Lakes Water Quality Agreement; and	Comment acknowledged. The Great Lakes Water Quality Agreement is discussed in the regulatory framework section of Chapter 1.
36					(2) The proposed regulation is premature in light of the scientific uncertainty underlying the cumulative and long term effects of cargo sweeping into the Great Lakes.	Comment acknowledged. The cumulative effects are discussed in Chapter 5 and the long term effects are discussed in Chapter 4.
37	Shipping Federation of Canada	USCG-2004-19621 -23	Comment(s))	7/31/2007	Members of SFC conduct their operation in accordance with the IEP.	Comment acknowledged.
38					Ocean-going vessels are required to record the manner in which they dispose of cargo residues by recording date, time, estimated amount discharges as well as the position of the ship at the beginning and end of discharge.	Comment acknowledged.
39					SFC fully supports the adoption of the IEP as the basis for permanent regulations. SFC also supports additional requirements for standardization of recordkeeping if it is shown to be necessary.	Comment acknowledged.
40					The CG should consider MARPOL Annex V record keeping requirements to ensure consistency with international requirements.	This issue was considered in the development of the Proposed Action, as described in Chapter 2.
41					SFC thinks that prohibiting discharge of cargo residues would greatly affect the viability of commercial navigation on the GL.	Comment acknowledged.
42					SFC supports a regulated cleanliness standard that could serve as an effective means of reducing the amount of cargo left behind on completion of discharge operations. The vessel owner/operator has little or no say in the amount of cargo that is left on board by the stevedores.	Comment acknowledged. This issue was considered in the development of the DCR control measures on ships alternative described in Chapter 2.
43	Canadian Shipowners Association	USCG-2004-19621 -24	Comment(s))	7/31/2007	In 2005, these Companies operated 71 vessels carrying 65 million tons of dry and liquid bulk cargo, general cargo and containers.	The comment is acknowledged. The representation of Great Lakes shipping was reported in the DEIS based on numerous references (as discussed primarily in Chapter 1). The information in the comment is not inconsistent with the values reported in the references and summarized in the DEIS.
44					CSA is willing to provide information for the Study.	Comment acknowledged.
45					CSA supports the scientific plan and supports the premise that if the task demonstrates little or no potential impact it may be possible to truncate the task or not perform later tasks.	Comment acknowledged.
46	Great Lakes United	USCG-2004-19621 -25	Comment(s))	7/31/2007	Cargo sweeping is against the law, specifically, the APPS and CWA, which prohibit the discharge of garbage without a NPDES permit.	Compliance with referenced regulations is discussed in the regulatory framework section of Chapter 1.
47					(1) The CG should work to develop regulations that effectively eliminate dry cargo discharges into the GL by commercial vessels and terminals. Such regulations should include but should not be limited to:	

48					(a) New management practices and equipment upgrades and technological improvements.	The referenced practices and equipment were evaluated in the development of alternatives as described in Chapter 2.
49					(b) Use of permits (Alt. 4)	The referenced approach was evaluated in the development of alternatives as described in Chapter 2.
50					(c) The use of monetary penalties for noncompliance vessels and terminals.	The referenced approach was evaluated in the development of alternatives as described in Chapter 2.
51					Cargo sweeping is inconsistent with US obligations under the GLWQA.	Compliance with referenced regulation is discussed in the regulatory framework section of Chapter 1.
52					GLU strongly recommends immediate formal consultations with the States to explore the conflict between Federal regulations and State authority over GL bottomlands.	The Coast Guard analyzed this proposed rule under Executive Order 13132, Federalism, and have determined that it does not preempt State law.
53					The intent of the EIS should be to determine how to mitigate impacts from dry cargo sweeping, not justify proposed regulations that would allow the practice. Such environmental investigations and potential mitigation activities should address, but are not limited to:	Impact mitigation is discussed in Chapter 5.
54					(1) Volume and cumulative impacts of historical dry cargo discharge over time,	Cumulative impacts are discussed in Chapter 5.
55					(2) Impacts to fish spawning grounds and other sensitive aquatic habitats,	Impacts to the referenced resources are discussed in Chapter 4.
56					(3) Impacts on water quality,	Impacts to the referenced resource is discussed in Chapter 4.
57					(4) The frequency of dry cargo residues being discharged to new areas that do not typically experience dry cargo discharges.	The location of DCR discharges was analyzed and reported in Chapter 3 and Appendix J, Historic Deposition.
58					The CG should stop referring to cargo sweepings as non-hazardous and non-toxic.	As described in the IEP, if material is hazardous or toxic then it is not regulated as cargo sweepings (i.e. DCR). Thus, by definition DCR is non-hazardous and non-toxic. Any material found to be toxic or hazardous by studies conducted in support of this DEIS (as reported in Appendix H sweepings characterization, chemical) or any other investigation, the discharge of such materials would be banned.
59	Buffalo Niagara Riverkeeper	USCG-2004-19621 -29	Comment(s))	8/15/2006	The conclusions of the 2003 USCG study that proposed regulations would bring the US into compliance with Canadian laws and the GL Water Quality Agreement is incorrect.	Compliance with Canadian laws and water quality agreements are discussed in the regulatory framework section of Chapter 1.
60					We recommend that the CG adapt the alternative of allowing the IEP to expire and enforcing all applicable laws on the grounds that:	The suggested alternative is evaluated as the No Action Alternative.
61					(1) The proposed regulation does not satisfy the obligations of the US under the Great Lakes Water Quality Agreement; and	Compliance with water quality agreements is discussed in the regulatory framework section of Chapter 1.
62					(2) The proposed regulation is premature in light of the scientific uncertainty underlying the cumulative and long term effect of cargo sweeping into the Great Lakes.	Comment acknowledged. The cumulative effects are considered in Chapter 5 and the long term effects are considered in Chapter 4.
63					Lake Ontario the Mulcaster patch and Scotch bonnet shoals were particularly sensitive and the mile limit should be greater in their vicinity.	Alternatives were developed to modify the exclusion areas after review of environmentally sensitive areas (Chapter 2) This process resulted in expanding exclusion zones in selected areas for salt, coal, and limestone.
64	Michigan Department of Environmental Quality	USCG-2004-19621 -30	Comment(s))	12/1/2006	DEQ was not aware of the historical practice of dry cargo residue discharge/litter into the Great Lakes from bulk-carrier vessels.	Comment acknowledged.
65					IEP appears to be in violation of Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and not consistent with the provisions of the federal Clean Water Act.	Compliance with the referenced act is discussed in the regulatory framework section of Chapter 1.
66					The discharge of litter from watercraft or commercial vessels is prohibited under Part 95, Watercraft Pollution Control Act NREPA.	Compliance the referenced act is discussed in the regulatory framework section of Chapter 1.
67					Where are the United States Coast Guard (USCG) approved debris disposal areas in the Great Lakes?	As described in Chapter 2, the IEP does not designate Coast Guard areas for debris (i.e. DCR) disposal, but rather areas where DCR cannot be discharged.
68					Do the other Great Lakes States have environmental protection laws similar to Michigan that may prohibit the discharge of cargo residue into the Great Lakes?	Compliance with the referenced act is discussed in the regulatory framework section of Chapter 1.
69					What is the estimated number of vessels conducting the subject disposal method?	The current shipping on the Great Lakes including the number of dry cargo vessels are discussed in Chapter 1.

70					If there are existing laws in place that prohibit such discharges, is an environment Impact Statement necessary?	The existing regulatory framework and need for an EIS are discussed in Chapter 1.
71					MDEP suggests that the USCE initiate a stake holder's collaboration on the vessel discharges in question and include regulatory agencies from all the Great Lakes states.	The Coast Guard has complied with its obligations under NEPA and all other Federal laws and regulations to involve, work with, and to seek input from all interested parties, including state and local governments throughout the course of this rulemaking.
72	Pennsylvania Dept. of Environmental Protection (DEP)				DEP wants the EIS to fully characterize the chemical quality of DCR , the bioavailability and toxicity of these substances to aquatic organisms and the impact of such discharges on aquatic habitats.	The issues raised were fully considered and documented in Chapter 4 and Appendices H, and S Sweepings Chemical and Biological Characterization.
73					The EIS should explicitly analyze and address the risk of the spread of aquatic invasive species by DCR discharges and provide for mitigation.	The issue was considered in Chapter 4 and Appendix P Colonization of Cargo Residue in the Great Lakes by Zebra Mussel (<i>Dreissena polymorpha</i>) and Quagga Mussel (<i>Dreissena bugensis</i>)
74					The practice of discharging limestone in nearshore zones should be re-evaluated in the context of aquatic invasive species.	The issue was considered as reflected in the Chapter 2 description of the modified exclusion zone alternative.
75	Great Lakes United (Jennifer Nalbene Representing)	Public Meeting	Public Hearing		It is illegal to use the IEP for permanent regulations even with changes to recordkeeping. GLU supports the alternative that allows the IEP to terminate.	Comment acknowledged. The regulatory framework of the IEP is discussed in Chapter 1.
76					The CG should be investigating BMPs and equipment upgrades for both ships and terminals to effectively eliminate dry cargo sweepings.	The suggested investigations were included in alternatives for DCR control measures on ships and shoreside DCR control measures.
77					To ensure that there are no dry cargo sweepings into the Great Lakes, the CG needs to ensure there is an adequate recordkeeping system and an enforcement and sampling program.	This is part of the proposed alternatives.
78					The study of impacts should be performed to determine the magnitude of historical dry cargo sweeping impacts for mitigation purposes.	This was done as part of the scientific investigation (Appendices ??? and ??? Historic Deposition and Impact). However, the study was designed to assist in prediction of future impacts and not to determine impacts of historic dry cargo activities.
79					The sampling plan is very important for mitigation purposes. However, it should not be used to determine how to bend or break the law.	Comment acknowledged.
80	Mr. Jim Weakley--LCA	Public Meeting	Public Hearing		The IEP is perfectly legal. It has been re-issued three times since its inception.	Comment acknowledged.
81					The whole problem stems from the CG's interpretation of the definition of garbage to include cargo residue and Congress' adoption of MARPOL V's implementing guidelines as applied to inland waters.	Comment acknowledged.
82	Mr. Tom Morris--Transport Canada	Public Meeting	Public Hearing		Canada is not a party to MARPOL Annex V but has regulations on garbage that do not include cargo sweepings.	Comment acknowledged.
					However, Canada has proposed regulations that are harmonized with the current US Coast Guard's IEP.	Comment acknowledged.